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The Gazette of Puducherry

PART - II

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OFFICE OF THE CHIEF EXECUTIVE OFFICER PUDUCHERRY WAKF BOARD

No. 11/PSWB/Regulations/2013.

Puducherry, the 11th April 2013.

NOTIFICATION

In exercise of the powers conferred by section 110 of the Wakf Act, 1995 (Central Act 43 of 1995), the Union territory of Puducherry Wakf Board, with the prior sanction of the Government of Puducherry, hereby makes the following regulations namely: -

CHAPTER-I
PRELIMINARY

1. *Short title and commencement.*— (a) These regulations may be called “The Puducherry Wakf Regulations, 2013”.

(b) These regulations shall come into force from the date of their publication in the official gazette.

2. *Definitions.*— (1) In these regulations unless the context otherwise requires,-

(a) “Act” means the Wakf Act, 1995(Central Act 43 of 1995);

(b) “Board” means the Union territory of Puducherry Wakf Board established in accordance with section 13 of the Wakf Act, 1995;

(c) “Chairperson” means the Chairperson of the Board elected under sub-section (8) of section 14 of the Act (and includes the Presiding Officer for the time being) ;

(d) “Chief Executive Officer” means the Chief Executive Officer appointed under sub-section (1) of section 23 of the Act;

(e) “Secretary” means the Chief Executive Officer, who is the *ex officio*, Secretary to the Board, in terms of sub-section (3) of section 23 of the Act;

(f) “Employees of the Board” includes temporary/*ad hoc* employees appointed against regular posts created by the Wakf Board;

(g) “Government” means the Government of Puducherry;

(h) “Form” means the form appended to these regulations;

(i) “Rules” means the “Union territory of Puducherry Wakf Rules, 2000”.

(2) All other words and expressions used herein but not defined in these regulations shall have the same meaning as assigned to them in the Act and the rules.

CHAPTER - II
MEETINGS OF THE BOARD

3. The Board shall ordinarily meet once in a month, provided the Chairperson may call for an extraordinary meeting or at least one half of the total members may file a requisition for such extraordinary meeting, specifying the purpose for which the meeting is to be held.

4. The meeting of the Board shall ordinarily be held at its office at Puducherry, provided the meetings may also be held at such other places in the Union territory of Puducherry as the Chairperson or majority of the members of the Board may propose.

5. (a) The meetings of the Board shall be convened by the Chief Executive Officer who is the *ex officio* Secretary of the Board.

(b) Notice shall be given to every member of the Board indicating therein the date, time and place at which the meeting is to be held, at least, seven days before the date of the meeting, provided that in the case of extraordinary meeting such notice may be shorter period of three days.

(c) Notice of meeting may be sent by post under certificate of posting or by hand delivery.

(d) Two-third of the members of the Board shall form quorum for the meeting.

(e) Urgent matters may be decided by circulation among the members of the Board.

(f) The Chief Executive Officer-cum-Secretary of the Board shall authenticate any order/decision of the Board.

CHAPTER-III
**PROCEDURE AND CONDUCT OF THE BUSINESS AT THE
MEETINGS OF THE BOARD**

6. (a) The Secretary of the Board shall prepare the agenda of the business to be transacted at the meeting.

(b) The agenda shall set forth clearly, full details of the business to be transacted at the meeting, and no other business other than that so set forth shall be transacted, except with the permission of the Chairperson.

(c) A copy of the agenda shall be forwarded to every member, along with the notice of the meeting.

7. Notice of motions intended to be taken up in the meeting shall along with the draft resolutions, reach the Secretary, ten days before the date of meeting for being included in the agenda:

Provided that no member shall be allowed to send a notice, for taking up more than two resolutions, in a meeting :

Provided further that the formal motions like vote of thanks, congratulations, condolences, etc. may be moved without prior notice by the Chairperson or any other member with prior permission of the Chairperson.

8. The language of business of the meeting of Board shall be in English or Tamil.

9. At any meeting the business shall be conducted in the following order:-

(a) The minutes of the last meeting shall be read for confirmation;

(b) Business postponed at the last meeting shall be considered;

(c) Letters and reports received shall be read;

(d) Accounts and statements shall be considered and passed;

(e) The business fixed for the meeting shall then be transacted;

(f) Motions of which due notice has been given shall be discussed in the order of the priority as received by the Secretary.

10. At extraordinary meetings the business for which the meeting is requisitioned shall only be considered.

CHAPTER-IV

**HONORARIUM, ALLOWANCES, FEES TO BE PAID TO
THE CHAIRPERSON, MEMBERS OF THE BOARD,
CHIEF EXECUTIVE OFFICER-CUM-SECRETARY**

11. The Chairperson and members shall be entitled to claim travelling and daily allowances for journeys and halts as applicable to Group-A Officers of the Government of Puducherry drawing scale of pay of ₹ 15,600 - 39,100 with Grade Pay of ₹ 5,400 provided the tours are performed with the approval of the Board to transact any business connected with their duties as members of the Board. The TA/DA to Chief Executive Officer-cum-Secretary shall be applicable *mutatis mutandis*, in term of supplementary rules, as amended from time to time.

12. The Chairperson and members of the Board, shall be entitled for sitting fee of ₹ 500 (Rupees five hundred only) per sitting on the day when the meeting is held besides providing working lunch and refreshment.

CHAPTER-V

RECRUITMENT OF OFFICERS AND EMPLOYEES

13. (1) The Board shall determine the number of officers and other employees as may be necessary for the efficient performance of its functions in consultation with the Government as provisioned in section 24 of the Act. The terms and conditions of service to such posts shall be provided by the cadre and recruitment rules framed by the Board with the approval of the Government or by adoption of recruitment rules pertaining to similar posts available in this administration.

(2) The pay scales and other allowances as applicable from time to time to the employees of the Government of Puducherry shall be applicable *mutatis mutandis* to the employees of the Board, provided that the duties and responsibilities are similar in nature.

(3) *Procedure for appointment.*— (a) The Board shall notify the vacancies in Tamil, Malayalam and Telugu newspapers with wide circulation and the notification shall contain details regarding the

category of post with scale of pay, qualifications prescribed and the last date for receipt of application for the post, etc. besides notifying the vacancies to the Employment Exchange, Puducherry.

(b) The appointment shall be based on the result in the written test and interview conducted by a selection committee constituted by the Board consisting of the following members, namely:—

- (i) Chairperson of the Board;
- (ii) Under Secretary to Government (Wakfs);
- (iii) An expert member (suggested by DP & AR)
- (iv) The Chief Executive Officer-cum-Secretary of the Board.

(c) The total marks allotted for the written test shall be 85 and the total marks allotted for interview shall be 15.

(d) The written test shall consist of questions to assess general English, clerical aptitude, general knowledge and numerical ability of the candidate.

(e) Notwithstanding anything contained in this regulation the Chairperson may appoint, in case of emergency, persons having requisite qualifications to any of the category of posts without following the procedure for appointment:

Provided that such appointment shall not be for periods exceeding 90 days:

Provided further that the Board may make such appointments for periods exceeding 90 days and not exceeding 180 days:

Provided also that the Chief Executive Officer may engage casual/part-time workers for a period not exceeding a continuous period of thirty days.

CHAPTER-VI

TERMS AND CONDITIONS OF THE OFFICERS AND OTHER EMPLOYEES OF THE BOARD UNDER SUB-SECTION (2) OF SECTION 24

14. (a) All the posts under the Board shall be classified into Group-A,B,C and D in accordance with the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1972.

(b) The existing posts and posts if any to be created / filled by the Board shall be governed by the Cadre and Recruitment (C & R) Rules framed by the Board with the approval of the Government or by adopting recruitment rules pertaining to similar posts available in this administration. Creation of new posts from any cadre shall be made only with the due approval of the Government.

(c) The persons appointed on *ad hoc* basis against regular posts/vacancies shall be absorbed against the posts subject to their fitness to the posts, in terms of the recruitment rules.

(d) The Wakf Board shall engage part-time employees, casual workers on need basis for a period not exceeding 180 days. However, the employees who were so engaged shall have no right to claim for regular employment.

15. The Central Civil Services Rules, amended from time to time, shall be made applicable with regard to all matters covering services of the employees of the Board.

16. (a) All appointments by direct recruitment shall be made by the Chief Executive Officer-*cum*-Secretary on the recommendation of the selection committee constituted by the Board *vide* Chapter-V, sub-clause (b) of clause (3).

(b) All orders of transfer and postings of Group-B employees shall be made by the Chief Executive Officer in consultation with the Chairperson and that of Group C and D employees shall be made by the Chief Executive Officer-*cum*-Secretary. The Chief Executive Officer-*cum*-Secretary shall be the disciplinary authority for the officer/staff of the Board.

(c) The Board shall be the appellate authority for employees of the Board.

17. (a) The Chief Executive Officer shall be Head of Department in respect of officers/staff of the Board.

(b) The Chief Executive Officer-*cum*-Secretary shall be the D.D.O. in respect of all claims of the Board.

CHAPTER-VII

**PARTICULARS FOR REGISTRATION OF WAKFS
UNDER SUB-SECTION (3) OF SECTION 36**

18. The application for registration of a new Wakf and its properties shall be made in Form-1 and registration of additional property by any registered Wakf shall be made in Form-2 to the Chief Executive Officer-cum-Secretary.

(a) Whenever any new property is acquired by the registered Wakf Institution or a new Wakf Institution is registered, and in every case of Wakf by user the Mutawalli or the Executive Officer in relation to the Wakf shall apply to the Tahsildar or Deputy Tahsildar of the concerned Taluk or Sub-Taluk specified for effecting mutation in whose revenue jurisdiction the land or manai is situated for updating of the property records.

(b) After such application, the Mutawalli or the Chief Executive Officer shall follow-up the matter with the authorities to whom the application is made, co-ordinate with such authority in any enquiry the authority may make, and get the records of each of such property updated by entering in the relevant columns of the records the words "Wakf property" followed by the name of the Wakf.

19. The Chief Executive Officer shall issue public notice in Form-3 and shall make such inquiries as provided for under sub-section (7) of section 36 of the Act.

20. A notice shall be issued in Form-4 to the person administering the Wakf property whenever any person other than a person administering the Wakf property makes an application for registration under clause 18.

21. After the completion of inquiries under clauses 19 and 20 above, the Chief Executive Officer shall pass suitable order regarding the registration of the Wakf property and issue a certificate of registration in Form-5 in the case of new registration of Wakf properties; and in Form-6 in the case of any additional Wakf properties of a Wakf already registered.

22. The certificate of registration issued under clause 21 shall be the basic document for updating of records by the Puducherry Wakf Board.

CHAPTER-VIII

FURTHER PARTICULARS TO BE CONTAINED IN THE REGISTER OF WAKFS UNDER SECTION 37

23. The Register of Wakf shall be maintained in Form-7 and shall be divisionwise.

24. The serial number allotted in the register of Wakf to a Wakf shall be its registration number and the certificate of registration issued under clause 21 of regulation shall bear the same number.

25. Whenever an additional property of a Wakf is registered, it shall be incorporated in the register of Wakfs at serial number at which the Wakf and its properties were originally registered, giving an additional subdivision number.

CHAPTER-IX

PREPARATION AND SUBMISSION OF BUDGET OF WAKF BY MUTAWALLI AND APPROVAL BY THE BOARD UNDER SUB-SECTION (1) OF SECTION 44 OF WAKF ACT, 1995

26. The budget of all the Wakfs shall be prepared and got approved as per the procedure laid down in the Wakf Act and the rules.

CHAPTER-X

BOOKS OF ACCOUNTS AND OTHER BOOKS TO BE MAINTAINED BY THE BOARD UNDER SECTION 79

27. (1) The books prescribed under—

- (a) Rule 11 regarding statement of accounts by Wakfs.
- (b) Rule 34 regarding demand and recovery of Wakf contribution.
- (c) The books, registers and forms as prescribed under rules 36 and 37 shall be maintained in the prescribed forms by the Board.

(2) In addition the following books of accounts shall be maintained by the Board:

- (a) General cash book
- (b) Register of acquittance of salaries paid to the employees of the Board.
- (c) Register of honorarium and sitting fee paid to the members of the Board.
- (d) Stock and issue register
- (e) Contingent register
- (f) Pay bill register
- (h) Register of deposits with banks
- (i) Demand, collection and balance
- (j) Register of cases
- (k) Register of audit particulars in respect of Wakf Institutions.
- (l) Furniture register
- (m) Dead stock register
- (n) Valuable register
- (o) Register of attendance of Board members during meetings
- (p) Register of reference books
- (q) Register of attendance of official/staff of the board

(3) The following other books shall be maintained in the Board in addition to the register prescribed in the hand book of office procedure.

- (a) Minutes book of the meetings of the Board and those of the committees.
- (b) Register of list of members of the Board
- (c) Service registers of the employees of the Board

CHAPTER-XI

28. The Board shall have a common seal, which shall be in the custody of Chief Executive Officer-*cum*-Secretary or any other person duly authorised in this behalf.

29. The Board by its name shall sue or be sued by its Chief Executive Officer-*cum*-Secretary or any other person duly authorised in this behalf.

30. All correspondence by or with the Board shall be in the name of the Chief Executive Officer-*cum*-Secretary.

31. The financial year of the Board shall be from April to March.

32. The Chairperson, Members, Chief Executive Officer and other officers/officials of the Board shall observe secrecy in the matters, disclosure of which may be prejudicial to the interest of the Board or any Wakf.

CHAPTER - XII

CIVIL WORK

33. The Board/Wakf Institution concerned shall engage a Site Engineer/Site Supervisor having a degree/diploma in Civil Engineering with adequate experience, on short-term engagement on payment of monthly honorarium. However, the services of the engineering staff of the Local Administration Department (Local Bodies) and/or Public Works Department, Government of Puducherry shall be utilised on service placement basis or the civil works will be carried out with their guidance/supervision. A tender committee consisting of the Chairperson, Chief Executive Officer, one of the Members of the Wakf Board, a technical Member (not below the rank of Assistant Engineer in Public Works Department and having jurisdiction over the area in which work is undertaken) and Muthavalli or President of the Management Committee of the Wakf Institutions concerned as a co-opted member shall approve the estimates/revised estimates, cost escalation considering the prevailing market rates as per Public Works Department manual and acceptance of tenders on the advice of Public Works Department/Local Administration Department (Engineering Cell).

34. The management committee of the respective Wakf Institution shall however, bear the responsibilities for perfection of the civil works in accordance with the plan and approved estimates. The management committee of Wakf Institutions shall in no case carry out the work in deviation of the approved estimates except with the approval of the tender committee.

FORM – 1

(See Regulation 18)

APPLICATION FOR REGISTRATION OF WAKF

1. Name of the Wakf and whether it :
is a Sunni or a Shia Wakf or
Mansha-e-Wakif.
2. Description of the Wakf properties :
sufficient for the identification
thereof with the particulars of all
Wakf properties and all title deeds
and documents thereto.
3. Gross annual income from such :
properties.
4. The amount of land revenue cesses :
and of all rates and taxes annually
payable in respect of the Wakf
properties.
5. An estimate of the expenses annually:
incurred in the realienation of the
Wakf properties.
6. The amount set apart under for —
 - (i) Purely religious purposes
 - (ii) Charitable purposes
 - (iii) Any other purposes
7. Name of the Mutawalli, occupation :
and address.
8. The rules of the succession of the :
office of the Mutawalli under the
Wakf deed or by custom or by usage.
9. Particulars of the scheme of :
administration and the scheme of
expenditure at the time of registration.
10. Whether the copy of Wakf deed is :
enclosed. If not state origin nature
and object of the Wakf.

11. Name and address of —
- (a) Beneficiaries :
- (b) Wakif, if living :
- (c) His descendants, if any :
12. Present market value of the properties, :
item-wise.
13. Encumbrance on the Wakf property, :
if any.
14. Other particulars, if any :
15. Remarks :

DECLARATION

I do hereby declare that the above information furnished by me is true to the best of my knowledge and belief.

Place : *Signature of the applicant*

Date :

FORM – 2

(See Regulation 18)

APPLICATION FOR REGISTRATION OF ADDITIONAL PROPERTIES

1. (a) Name of the Wakf :
- (b) Whether Shia/Sunni :
- (c) Purpose of the Wakf :
(Mansha-e-Wakif)
2. Registration No. and date :

3. Details of properties held by the Wakf :

Sl. No.	R.S.No./ Property No.	Extent	Village/Taluk/ Town/District	Cads. No.	Income	Taxes paid

4. Total annual income of the Wakf :

5. Actual expenditure of the Wakf :

6. Name of the Mutawalli :

7. Details of additional properties of the Wakf to be registered.

8. Purpose for which the additional property is purchased/gifted/acquired, etc.

9. Documents enclosed —

(a) Copy of gift deed/sale deed :

(b) RTC :

(c) Municipality/Corporation/ Panchayat.

(d) Encumbrance :

(e) Approved plan (in case of building).

(f) Resolution of managing committee.

11. Any other information :

12. Remarks :

DECLARATION

I hereby declare that the information furnished above is true and it is in accordance with the Wakf Act, 1995.

Signature of the applicant

FORM – 3

(See Regulation 19)

Office of the Chief Executive Officer

Dated:

PUBLIC NOTICE

(Notice regarding registration of a Wakf and its properties/
additional properties)

Whereas an application for registration of Wakf and its properties/
additional properties is made by(indicate
the name and address of the applicant) under section 36 of the
Wakf Act, 1995. The details of the Wakf and its properties/additional
properties are shown in the Schedule below:

SCHEDULE

1. Name of the Wakf :
2. Sunni/Shia/Mansha-e-Wakif :
3. Details of the Wakf properties —
 - (a) R.S.No./Property No./Patta No. :
 - (b) Extent :
 - (c) Village/Town/Taluk/District :
 - (d) Boundaries(N.S.E.W.) :
4. Registration No. and date :
(In case of registration of additional
properties).
5. Details of additional properties —
 - (a) Name of the seller :
 - (b) R.S.No./Property No./Patta No. :
 - (c) Village/Town/Taluk/District :
 - (d) Extent :
 - (e) Boundaries(N.S.E.W.) :
6. Document No. and date :
7. Remarks :

Now, therefore, notice is hereby given under clause (2) of Regulation of the Puducherry Wakf Regulation, 2013, for the information of the general public of (indicate the place) having interest in the affairs of the above institution and its properties to prefer their objections/suggestions if any, to the above proposal of registration on or before 15 days from the date of publication of this notice, failing which it will be presumed that there are no objections to be considered and the Wakf and its properties shall be registered under section 36 of the Wakf Act, 1995.

CHIEF EXECUTIVE OFFICER

Copy to:

- (1) The Survey Commissioner (Wakfs)/Assistant Survey Commissioner (Wakfs), Puducherry.
- (2) The Under Secretary to Government (Wakf), Puducherry.

FORM – 4

(See Regulation 20)

NOTICE

(To be issued to a person administering the Wakf property under section 36(7) of Wakf Act, 1995)

Whereas an application is made under section 36 of Wakf Act, 1995 by Janab for registration of the Wakf and its properties shown in the Schedule.

SCHEDULE

1. Name of the Wakf :
2. Purpose :
3. Sunni/Shia :
4. Details of the properties —
 - (a) R.S.No./Property No./Patta No. :
 - (b) Village/Town/City/Taluk/District :
 - (c) Extent :
 - (d) Boundaries (N.S.E.W.) :

Since the application for the registration is made by a person other than the person administering the Wakf property, it is hereby notified for the information of (name) who is administering the Wakf and its properties, that any objections/suggestions with reference to the above application be filed within fifteen days from the date of this notice *i.e.*, on or before (indicate the date) on which date the application will be heard by the undersigned. If no objections are filed/if you remain absent on the day of hearing, action will be taken to register the Wakf and its properties under section 36 of the Wakf Act, 1995.

CHIEF EXECUTIVE OFFICER.

FORM – 5

(See Regulation 21)

No. :

Dated:

CERTIFICATE OF REGISTRATION

It is hereby certified that the Wakf and its properties described hereunder is registered and brought on to the Register of Wakfs in accordance with section 36 and 37 of the Wakf Act, 1995, read with Regulation 21 of the Puducherry Wakf Regulations, 2013.

1. Sl. No. in Register of Wakfs :
2. District :
3. Name, class and description of the :
Wakfs.
4. Sunni/Shia :
5. Particulars of Wakf property —
 - (a) R.S.No./Property No./Patta No. :
 - (b) Village/Town/Taluk/District :
 - (c) Extent :
 - (d) Boundaries (N.S.E.W.) :
 - (e) Name of the Mutawalli :

The concerned authority shall update the records of the properties shown in column (5) above.

CHIEF EXECUTIVE OFFICER.

To

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Copy to

- (1) The Survey Commissioner (Wakfs), Puducherry.
- (2) The Assistant Survey Commissioner (Wakfs),
- (3) Under Secretary to Government (Wakfs), Puducherry.

FORM – 6

(See Regulation 21)

No. :

Dated:

CERTIFICATE OF REGISTRATION

(Additional properties of a Wakf)

It is hereby certified that the additional properties of the Wakf described hereunder is registered and brought on to the Register of Wakfs in accordance with sections 36 and 37 of the Wakf Act, 1995, read with Regulation 21 of the Puducherry Wakf Regulations, 2013.

1. Sl. No. in Register of Wakfs :
2. District :
3. Name, class and description of the :
Wakfs.
4. Sunni/Shia :
5. Particulars of Wakf property —
 - (a) R.S.No./Property No./Patta No. :
 - (b) Village/Town/Taluk/District :
 - (c) Extent :
 - (d) Boundaries (N.S.E.W.) :
 - (e) Name of the Mutawalli :

The concerned authority shall update the records of the properties shown in column (5) above.

CHIEF EXECUTIVE OFFICER.

To

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Copy to

- (1) The Survey Commissioner (Wakfs), Puducherry.
- (2) The Assistant Survey Commissioner (Wakfs),
- (3) Under Secretary to Government (Wakfs), Puducherry.

FORM – 7

(See Regulation 23)

REGISTER OF WAKFS

1. Sl. No. with year :
2. Name of the Wakf with location :
3. Copies of Wakf deeds, document :
No. with date.
4. Class of the Wakf :
5. Sunni/Shia/Mansha-e-Wakif :
6. Particulars of all Wakf properties
and all deeds and documents
relating thereto —
 - (a) R.S.No./Property No./Patta No. :
 - (b) Village/Town/City/Taluk/District :
 - (c) Extent :
 - (d) Boundaries (N.S.E.W.) :
7. Name of Wakf with address and
occupation. :
8. Objects of Wakfs :
9. Name of Mutawalli (include
Managing Committee) occupation
and address. :

10. The rule of succession to the Office of :
the Mutawalli under the Wakf deed or
by custom or by usage.
11. Present market value of properties :
item-wise mentioned in column (6).
12. Gross annual income :
13. Gross annual expenditure :
14. Particulars of scheme of administration :
and scheme of expenditure at the time of
registration.
15. Whether records of all properties are :
updated.
16. Remarks :

CHIEF EXECUTIVE OFFICER.

(By order of the Lieutenant-Governor)

CHIEF EXECUTIVE OFFICER,
Puducherry Wakf Board.